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COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 26 March 2002, at 10 a.m.

Chairperson: Mr. JAKUBOWSKI (Poland)

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF COSTA RICA

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF MEXICO

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CONTENTS (continued)

STATEMENT BY THE SPECIAL ENVOY OF THE PRESIDENT OF THE PALESTINIAN AUTHORITY

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THAILAND

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FRANCE

STATEMENT BY THE HEAD OF THE FEDERAL DEPARTMENT OF FOREIGN AFFAIRS OF SWITZERLAND

STATEMENT BY THE FEDERAL MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8) (E/CN.4/2002/6, 11, 13, 29-32, 126-129, 131 and 147; E/CN.4/2002/NGO/23, 103, 115, 130 and 165)

1. Mr. DUGARD (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967), introducing his report (E/CN.4/2002/32), said that he had interpreted his mandate as being to investigate violations of human rights and humanitarian law in the context of Israel's military occupation of the occupied Palestinian territories. Since, however, that interpretation had been questioned by the Government of Israel (E/CN.4/2002/129), he requested that the Commission consider the matter so that the scope of his mandate would not be in dispute.

2. He had visited the occupied Palestinian territories twice since the Commission's previous session, had travelled widely there and had held extensive discussions with members of the Palestinian Authority and Palestinian and Israeli interlocutors. He regretted that, because the Government of Israel objected to his mandate and had withheld cooperation, he had been unable to meet Israeli government officials.

3. The report catalogued many serious violations of humanitarian law and human rights, including the indiscriminate killing and wounding of civilians by both parties and the failure of both parties to prosecute and publish those responsible for atrocities, the expansion of settlements, the demolition of housing, restrictions on freedom of movement, the disruption of education caused by the closure and bombing of schools and the traumatization of schoolchildren and the interrogation and detention of children. With regard to the last element, he considered that an independent investigation should be held into allegations of torture and inhuman treatment of children, in violation of international law.

4. The situation had deteriorated radically since his last visit in mid-February 2002. In March, the Israel Defence Forces (IDF) had launched the most extensive military operations since 1982 in Ramallah and various refugee camps, causing extensive damage to Palestinian homes, particularly in the overcrowded camps of Balata and Jabaliya. Schools operated in the camps, by the United Nations Relief and Works Agency for Palestine Refugees in the Middle East (UNRWA) had been taken over by IDF for use as detention centres and a school for the blind had been bombed. More than 2,000 men had been arrested and held for interrogation after being subjected to humiliating treatment. In one month, more than 180 Palestinians, mainly civilians, had been killed bringing the death toll since the start of the second intifada to over 1,200. The Israeli death toll, currently more than 300, had also risen sharply. In addition, aerial photographs taken by a Palestinian non-governmental organization (NGO) and confirmed by a survey carried out by the Israeli Peace Now movement had shown that 34 new Israeli settlements had been built in the past year.

5. For Palestinians the military occupation of their territory was seen as the principal cause of the crisis while Israelis, considered that it was due to terrorism, directed at the very existence of the State of Israel. However that might be, there could be no doubt that the military occupation bore a heavy responsibility for violations of humanitarian law and human rights by

both Israelis and Palestinians. Consequently, only a negotiated settlement leading to termination of the military occupation and realization of the vision contained in Security Council resolution 1397 (2002), of two States - Israel and Palestine - living side by side within secure and recognized borders, could end the violence and restore respect for human rights.

6. Calls for a ceasefire alone would not suffice to achieve a return to the negotiating table and a state of relative calm while the parties talked. Only an effective international presence with the power to monitor and reduce the use of violence could achieve that goal. While well aware of Israel's objections to such a proposal and its doubts about the internationalization of the conflict, he firmly believed that the only possible response to the violence in the region was such an international peacekeeping mission, carefully structured and composed to meet the special circumstances of the situation.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF COSTA RICA

7. Mr. ROJAS LOPEZ (Costa Rica) said that his country had a long tradition of dedication to human rights. The abolition of the armed forces in 1948 had allowed greater resources to be allocated to education and health and the human development of the population. At the regional level, it had collaborated in building the inter-American human rights guarantees which had led to the adoption of the American Convention on Human Rights in the 1970s and later to various related institutions such as the Inter-American Court of Human Rights, which had had its headquarters in Costa Rica since 1981.

8. At the international level, his Government had been active in promoting the establishment of the office of the United Nations High Commissioner for Human Rights. It remained committed to the promotion of human rights in the world, especially within the context of the United Nations, in which connection he stressed the importance of making human rights mechanisms, including the Commission, more effective so as to meet the needs of the changing international situation.

9. At a meeting of the Río Group held in Costa Rica on 14 February 2002, his Government had made a number of suggestions, the first of which dealt with the extra-conventional mechanisms of the Commission on Human Rights. It supported the work of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission and suggested that consensus might be possible on points such as the rationalization of the mandates of the various special procedures, the definition of parameters for the Working Group on Communications and procedures and instructions for the Working Group on Situations and the basic format for the submission of reports and the timetables therefor. It was also urgent to reform procedures for the Commission's sessions.

10. The second issue was the urgent reform of the agenda on the violation of human rights and fundamental freedoms in any part of the world, which had become excessively politicized. Valid criteria and procedures must be developed for evaluating cases submitted under that item and his delegation would raise that issue and make some proposals within the context of the

Río Group. His delegation's third suggestion was that an integrated country report containing all relevant human rights information should be prepared under the auspices of the Office of the High Commissioner for Human Right (OHCHR) and sent as a basic reference document to the Commission.

11. Lastly, to rationalize the human rights system and create international standards for evaluating human rights situations, a system of indicators and a human rights index should be developed. He thus reiterated the proposal made by the representative of Brazil a few years previously that a world human rights report be prepared by OHCHR. The provisions of the six major international human rights instruments would provide the criteria for the development of indicators which would serve as a basis for rating the degree of human rights protection in States.

12. His Government welcomed the report of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2002/78). Many human rights violations occurred in places of detention or confinement and the adoption by the Commission of a draft optional protocol would be a great step forward in combating them. The establishment of visits and a sub-committee on prevention of the Committee against Torture, as proposed in the draft optional protocol, would promote dialogue and cooperation within the international community on the issue of the prevention of torture.

13. Although attached to the principle of consensus whenever possible, his Government believed that, in the face of irreconcilable differences of opinion, concerning elements of the draft optional protocol the final decision should be taken by majority vote. The issue was a very urgent one and he stressed that the Commission should adopt the text at its current session.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF THE DEMOCRATIC REPUBLIC OF THE CONGO

14. Mr. LUABA LUMU (Democratic Republic of the Congo) said that, despite the situation of conflict imposed on his people four years earlier by the armed forces of neighbouring countries, in particular Rwanda and Uganda, President Kabila had renewed his Government's commitment to human rights at the Commission's fifty-seventh session and had, at his inauguration, set three goals for his administration: peace and national reconciliation, normalization of democratic life and the building of a State subject to the rule of law. He had also expressed support for the Lusaka Ceasefire Agreement and the work of the Facilitator for the Inter-Congolese Dialogue.

15. Since then, his Government had signed a Republican Pact at Gaborone, taken part in the Addis Ababa discussions and, most recently, participated in the national dialogue in Sun City, South Africa. Even while such talks were in progress, however, attacks and other violations by the Rassemblement Congolais pour la Démocratie (RCD) had taken place in the east of the country with the support of the Rwandan Army. As the representative of France had stated in the Security Council no border security concerns could justify attacks thousands of kilometres away from the Rwandan frontier especially at a time when the parties to the conflict were

meeting to discuss the future of the country. In that connection, it would be recalled that President Kagame of Rwanda had stated that, whatever the results of the discussions between the parties to the conflict, Rwandan troops would remain in the Democratic Republic of Congo.

16. His Government therefore welcomed Security Council resolution 1399 (2002) of 20 March 2002 calling on the RCD to withdraw immediately from Miliro and Pweto and to demilitarize the city of Kisangani. It also welcomed the European Union declaration of 22 March 2002 calling on the Rwandan Government to put pressure on their protégés in the RCD-Goma. His Government was ready to continue negotiations as soon as the other parties had withdrawn from the cities in question.

17. As part of its efforts to find a peaceful solution to security problems in the subregion, his Government was trying to normalize its relations with Burundi bilaterally by supporting the Arusha and Lusaka peace processes and initiatives aimed at addressing Rwandan security concerns. During the visit to Kinshasa of the Burundi Minister for Foreign Affairs and Cooperation in January 2002, agreement had been reached on the need to work together to support the peace processes currently under way and restore friendly relations between the two countries.

18. His Government had disarmed and handed over to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) about 2,000 Rwandan soldiers stationed at Kamina. In view of the doubts cast on its motives for doing so by the Government of Rwanda, his Government had requested the Security Council to set up an international commission of inquiry to investigate armed groups in the Democratic Republic of the Congo. The commission would have the task of obtaining detailed information from the Government of Rwanda on the location of all armed groups from Rwanda in Congolese territory, verifying the allegations made by the Rwandan Government and reporting on the efforts of the Congolese Government to disarm and demobilize troops in territory under its control. Such a commission would clearly be complementary to the work of MONUC.

19. The Rwandan occupiers were, in fact, plundering Congolese natural resources, attempting to establish military and political dominance and pursuing revenge. The rebels and their Rwandan and Ugandan allies were past masters at committing massive and flagrant violations of human rights and humanitarian law and had breached all the agreements related to the peace process, including the Lusaka Ceasefire Agreement, and the relevant Security Council resolutions.

20. He did not wish to dwell on the massacres at Kasika, Makobola and many other places, as they were well known to everyone, but Rwandan and Ugandan troops had continued to commit terrible crimes against the civilian population of the Democratic Republic of the Congo. According to a press release by the International Committee of the Red Cross (ICRC) in March 2002, women continued to be the victims of violence, forcible displacement and other atrocities. According to the Association Africaine de Défense des Droits de l'Homme (ASADHO), there was compelling evidence of massacres and torture by Ugandan troops in the territory of Irumu, Province Orientale.

21. Well over 3 million people, including half a million children, had died as a direct or indirect result of the war and occupation, which had displaced 2 million people and created 400,000 refugees. Millions more had been mentally or physically traumatized by the war, which had led to vast increases in the numbers of vulnerable people such as widows and orphans.

22. The tragedy he had outlined should compel the international community to exert pressure in the aggressors to leave his country's territory for good. Under the Charter of the United Nations and other international instruments, States had a duty to act to put an end to the human tragedy unfolding and worsening day by day in his country. He hoped that the members of the Commission would support his Government's appeal to the Security Council to establish an international criminal tribunal for the Democratic Republic of the Congo to ensure that past crimes did not go unpunished. He called on the Commission to condemn Rwanda and Uganda for their acts of aggression, their illegal occupation of Congolese territory and the massacres for which they were responsible, and to demand the unconditional withdrawal of their troops from Congolese soil.

23. The promotion and protection of human rights in his country was part of the overall challenge facing his Government in its efforts to strengthen democracy and the rule of law. At the political level, several significant steps had been taken, including the adoption of a law that allowed every Congolese person to found or join a political group or party. Similarly, a law had been passed that made it easier to set up and run NGOs. His Government was seeking a positive and constructive partnership with NGOs and human rights organizations, and had allowed ASADHO to reopen its offices and lifted the ban on the Cause Commune group of women's NGOs. Regular consultations were held between NGOs and various ministries and public services, including the Ministry of Human Rights, and private television and radio stations were allowed to broadcast in complete freedom.

24. The National Conference on Human Rights, held in Kinshasa in June 2001, marked a turning point in the history of human rights in his country, thanks to the broad consensus reached on the need to promote and protect human rights there. Over half of the delegates were from civil society and over a quarter were women. The most notable outcome had been the adoption of the Congolese Charter of Human and People's Rights, which provided for the establishment of the National Commission on Human and People's Rights. In all, 15 international human rights instruments had been ratified, including the Protocol Additional to the Geneva Conventions of 12 August 1949, the African Charter on the Rights and Welfare of the Child, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

25. His Government was paying special attention to the protection of children's rights: it was in the process of demobilizing child soldiers and had taken measures to prevent children under the age of 18 from being recruited to combat forces, sent to the front line or used for other purely military purposes. Awareness-raising seminars had been organized on the reform of military justice and on compliance by the security services with the core human rights instruments.

26. While there was still a long way to go and there were still some cases of arbitrary arrests, illegal detention and abuse of authority, the political will of the President and the gains made at the National Conference on Human Rights were sufficient proof that his country was resolutely moving towards a society that showed greater respect for human dignity and individual and collective freedoms.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF MEXICO

27. Mr. CASTAÑEDA (Mexico) said that the Commission faced two main challenges: one was to maintain the momentum built up by the dedicated work of the United Nations High Commissioner for Human Rights, whose efforts to promote a universal culture of respect for human rights his government particularly appreciated, and the other was related to extending the full observance of human rights in a world still reeling from the shockwaves of the 11 September 2001 terrorist attacks.

28. Until fairly recently, the Government of Mexico had kept its distance from human rights bodies, but it had a new and comprehensive human rights policy that was based on three elements: first, its belief that the absolute and universal nature of human rights transcended borders; second, its firm commitment to ensuring that human rights were fully respected in Mexico; and, third, its compliance with its international obligations to help make the democratic change in Mexico irreversible. Its efforts to promote human rights over the previous 12 months had all been based on the interaction between its internal concerns and its ties with the outside world.

29. The key elements of its new policy were the harmonization of domestic legislation and international human rights standards, international cooperation, dialogue with civil society and coordinated government action. The first tangible result of the policy was the approval by Congress of 13 instruments submitted to it by President Fox, including the Inter-American Convention on the Forced Disappearance of Persons, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. A number of protocols to other international human rights instruments had also been ratified and the relevant declarations accepting the competence of the Committee against Torture and that of the Committee on the Elimination of Racial Discrimination had been made.

30. Mexico's openness to the outside world was evident in his Government's invitation - the first of its kind from a peaceful country - to OHCHR to open a representative office in its territory to observe the human rights situation there and advise the Government. A headquarters agreement with ICRC had subsequently been reached. The corollary to his Government's voluntary acceptance of universal human rights standards was its conviction that sovereignty must not be used as a shield against outside scrutiny, which had proved beneficial to the development of every country, including some of the most developed ones.

31. His Government's outward gaze was backed up by a vigorous human rights movement at home. It recognized that a successful transition to democracy could not be completed without a full awareness of the errors of the past, so that they could be avoided in the future. President Fox

had therefore appointed a special attorney to investigate any past crimes committed in the name of the State. The Government had also made public the official files on such incidents, with a view to putting an end to impunity and strengthening the rule of law.

32. A number of environmental activists and about 100 persons detained during the conflict in Chiapas had been released as a result of the President's decision to review their cases. The Government recognized and supported the valuable work of human rights defenders and was determined that the inquiry into the violent death of the lawyer Digna Ochoa - the files of which had been made available to the Inter-American Commission on Human Rights - would be transparent and independent.

33. One of the most important tasks facing the Government was the revision of article 21 of the Constitution, so that it could recognize the international courts established under treaties to which Mexico was a party. That revision would be a decisive step towards the ratification of the Rome Statute of the International Criminal Court, one of the most important initiatives to strengthen humanitarian and human rights law. The concept of sovereignty, far from being a reason for rejecting that instrument, should be seen as the source of its international legitimacy.

34. Just as the international community had been of crucial help in establishing democracy and respect for human rights in Mexico, so the experience of his Government had shown how the combination of political will and the action of international human rights mechanisms could help ensure that those rights were observed around the world. His Government's actions in multilateral forums, such as its proposals to establish an international convention on disabled persons and to appoint a special rapporteur on the human rights and fundamental freedoms of indigenous people, were all consistent with the human rights standards it defended.

35. It had thus closed the gap between its words and its deeds, reaching the same conclusion as all other democratic countries in recent decades, namely, that democracy and human rights implied a new way of exercising sovereignty. For that reason, it could not remain indifferent to serious human rights violations in other parts of the world. It was the duty of States, both individually and collectively, to ensure respect for human rights, and it was possible to do that while pursuing constructive polices for economic cooperation and trade. His Government's commitment to human rights was an extension of its long tradition of granting political asylum and it could not allow that noble tradition to be distorted: economic migration and political asylum must not be confused.

36. The question whether the need for peace at home and international security should take precedence over the rights of the individual had been raised by the terrorist attacks of 11 September 2001. The international community must not brush aside fundamental human rights standards in its fight against terrorists and must not allow that fight to blind it to human rights violations. It was doubly ironic that societies that had made such progress in promoting human rights should be faced with the temptation to violate them, and that one of the countries with most to gain from new international instruments such as the International Criminal Court should have decided not to ratify the Statute establishing it. One thing was clear: regardless of the conclusions reached by the Commission at its current session, new rules were needed to complete the international human rights system. More regulation was needed, not less.

STATEMENT BY THE SPECIAL ENVOY OF THE PRESIDENT OF THE PALESTINIAN AUTHORITY

37. Ms. ASHRAWI (Palestine) said it was regrettable that the Israeli authorities' siege had prevented the President of the Palestinian Authority, Mr. Yasser Arafat, from attending the current meeting of the Commission. However, no siege could silence the voice of the Palestinian people, who looked to the Commission - an assembly that represented the conscience of the world and the guardians of those who were oppressed and marginalized - for support in their struggle for enjoyment of their human rights. She paid tribute to the independence of spirit and unwavering commitment of the indomitable High Commissioner for Human Rights, which had reached the darkest corners of the globe with the promise of succour and hope. She was deeply honoured to have the opportunity to hold a forthright discussion with the Commission on the plight of a tormented Palestinian people yearning for freedom, dignity, independence and peace in their own land and in the Middle East as a whole.

38. She expressed appreciation for the High Commissioner's statement on 13 February on the human rights situation in the Middle East and the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2002/32). The recommendations in that report provided a reliable road map for concrete action by the Commission. She recognized the valuable work being done by the local office of OHCHR in the occupied Palestinian territories, more particularly in the Rule of Law programme, and stressed the urgent need to expand the mandate and activities of that office.

39. The Palestinian people were deprived of the most basic rights and fundamental freedoms and were bereft of the protection of international law both individually and collectively. Languishing under the last remaining military occupation in history, they were terrorized in every possible way: their lands, homes, infrastructure and economy were all targets of persistent Israeli military assaults. Such unbridled violence, deliberately unleashed on an already captive and besieged nation, exceeded all the bounds of collective punitive measures. The Palestinian people's rights to life and dignity, shelter, health care, education, freedom of movement and self-determination were all being systematically violated. Bullets and shells invaded every possible space where human beings might seek refuge.

40. Reduced to the level of abstract statistics, Palestinians had been systematically dehumanized and their lives devalued. The more than 2,300 murder victims (of whom 836 were children) since 28 September 2000 were all individuals with identities, loved ones, hopes and dreams. Each was unique and irreplaceable. The tens of thousands of wounded (about half of whom were children) were the ones who would bear the scars and disabilities for the rest of their lives, while many would require special care and resources that would tax whole families and communities. All violent deaths were tragic, but the cruelty was compounded by the wanton and needless deaths of the wounded denied medical services, most of whom had bled to death as ambulances and medical staff had been denied access or were deliberately shot at and shelled on their way to provide their vital assistance.

41. Eyewitnesses had been silenced. During its latest incursions into Palestinian towns, villages and camps, the Israeli occupation army had targeted members of the press corps (murdering one Italian journalist and wounding several others), while censoring even their own

coverage in Israel. Over 50 international and Palestinian journalists had been wounded and 4 killed in the past 18 months. Wilful ignorance and imposed blackouts were the enemies of truth and justice. Ultimately, they perpetuated the conflict, while undermining the prospects for genuine peace.

42. The Palestinians were not a "demographic problem", as the racist ideology in some Israeli circles maintained. They did not threaten the Jewish majority or the purity of the State of Israel; they were the people of the land of Palestine, with a historical, cultural and human continuity that formed the sum total of their collective memory and their future aspirations. Theirs had always been an inclusive and pluralistic society, with a powerful tradition of tolerance and hospitality. The State that they were intent on building would not only maintain those principles but would enhance them to generate a comprehensive, human-based development plan, firmly grounded in the practice of an active democracy and the rule of law as the essential requirements of good governance. Such an independent, sovereign, viable and democratic State of Palestine was not only a right and a redemption for the inequities of the past but also a pledge for and investment in the future. Arab Jerusalem, as its capital, was at the centre of a revitalized human reality, in which all values, cultures, religions and hopes would converge.

43. Tragically and ironically, the current Israeli Government seemed to be bent on regression into fundamentalist Zionism. The ethnic cleansing that had been perpetrated against the Palestinian people in 1948, however, must not and would not be repeated. The myth of "a land without a people for a people without a land" had been discredited for ever. It was imperative that the historical compromise of the two-State solution should be recognized, establishing the State of Palestine on 22 per cent of historical Palestine (namely, on the West Bank including East Jerusalem and the Gaza Strip, the territories occupied by Israel as a result of the 5 June 1967 war). The State of Israel would then have defined boundaries on 78 per cent of historical Palestine or the 1967 lines that would constitute the "secure and recognized boundaries" repeatedly called for by the international community, most recently and compellingly in Security Council resolution No. 1397 (2002), which incorporated Security Council resolutions 242 (1967) and 338 (1973).

44. It was no coincidence that the vulnerable and defenceless refugee camps had borne the brunt of Israel's most recent raids and incursions. Dispossessed, expelled and dispersed, the Palestinian refugees remained the most compelling human embodiment of the grave historical injustice committed against the Palestinian people. Denied even the humblest of shelters in the refugee camps, they had been helpless before the tanks that had demolished their homes, destroyed their meagre infrastructure and brought violent death to their loved ones. It was thus imperative that any peace agreement should include a just and legal solution to the refugee question based on General Assembly resolution 194 (III) and consistent with other precedents pertaining to the forced displacement of populations in times of war and armed conflict.

45. The same applied to the issue of the land itself, particularly if the global rule of law, the applicability of international humanitarian law and the de jure applicability of the fourth Geneva Convention were to be upheld for the occupied Palestinian territory. All forms of land confiscation, annexation and settlement activity, on whatever pretext, must cease. Jerusalem, in particular, must be rescued from prejudicial unilateralism, greed and acquisition. The

Palestinians had consistently sought the implementation of United Nations resolutions and the upholding of international legality as the basis of any agreement and the framework for an equitable solution.

46. Furthermore, since the convening of the Madrid Middle East Peace Conference, the Palestine Liberation Organization (PLO) and the Palestinian Authority had welcomed all initiatives and interventions that had attempted to bring about a peaceful and just solution to the conflict, including the latest Saudi initiative currently under discussion at the Arab League summit. They had repeatedly called for international monitors and cooperated with all third-party constructive participation.

47. Unfortunately, the fatal and tragic dynamic of the occupation had been allowed to prevail, threatening to spiral out of control and engulf the whole region in yet another period of instability and violence. While the Arab world had made a strategic commitment to peace, an obsolete and anachronistic mentality was still in evidence among hard-line extremists in the Israeli Government, which suffered from the illusion that military superiority was sufficient cause for claiming superior rights. Such a mindset lay at the root of the conflict. All attempts to demonize, humiliate and brutalize the Palestinians - and Arabs as a whole - would not only fail but would also backfire within Israel itself.

48. Despite the pain and loss, the Palestinians had never accepted or "normalized" the murder of the innocent. Although their own innocent civilians had been killed with impunity, they had repeatedly deplored all attacks targeting Israeli civilians. As Israeli peace campaigners also maintained, the occupation was killing the whole region. Instead of dealing with the latest violation or atrocity, instead of repeatedly blaming the victims, instead of reducing international efforts to the level of crisis management and damage control, instead of trying to find remedies for the symptoms, she called upon the Commission to deal with the root causes, with the fatal disease itself, which could be summed up as the misguided and immoral notion that one State could dictate its will to another nation by force of arms, that a colonial situation of enslavement could be maintained in the third millennium, that the will of the Palestinian people could be subdued and broken by brutality and bloodshed or that different values could be ascribed to the lives and rights of people on the basis of their religious affiliation, ethnic origin or national identity.

49. It was time to speak out on the issue of terrorism. State and non-State actors must be held accountable for their actions in the exercise of all forms of violence or violations against innocent civilians for the purpose of achieving political gains. No individual, group or nation must be held hostage to the violent agenda of another. By the same token, defining terrorism and identifying terrorists could never be the monopoly of the strong. Subjectivity and self-interest had often tainted the drive to protect the innocent by handing out convenient labels and making stereotypical accusations that often served to distort issues and prevent solutions. Objective criteria, reliable evidence and universal instruments must be available to enable a global rule of law to prevail, on the basis of fairness and parity.

50. Her people might be held captive by a brutal physical siege, but the human spirit and will could never be besieged or degraded. Palestinians grieved equally for all loss of life and rights. They sought the liberation of both oppressor and oppressed from the occupation. The

Commission should not only intervene, dispatch observers, prepare and disseminate accurate facts and assessments, enforce all relevant laws and conventions and adopt its own proactive resolutions, it must also not lose sight of the occupation itself as the most comprehensive and pervasive cause of all the violations and injustices. Ultimately, only a just peace would provide the comprehensive solution and only such a peace could become the genuine expression of the ultimate right of humanity as a whole: the right to a qualitative life nurtured by human security, dignity and freedom.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THAILAND

51. Mr. SATHIRATHAI (Thailand), having commended the constructive role of the High Commissioner for Human Rights throughout the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance which had led to the adoption of the Durban Declaration and Programme of Action, pledged his Government's full support for the newly established Anti-Discrimination Unit within OHCHR. It was most regrettable that the current session would be Mrs. Robinson's last as High Commissioner.

52. The tragic events of 11 September 2001 had shown that intolerance, racism and racial discrimination could have a devastating effect on humanity, by breeding hatred and leading to violence. A further, undesirable, impact following the incident had been the emergence of Islamophobia. It was incumbent on the whole international community to shape a safer world that had a place for all peoples.

53. In that context, it was essential to address the plight of the Afghan people, whose fundamental freedoms and human dignity had been neglected for decades. His Government had therefore joined in the concerted action of the international community to reconstruct and rehabilitate Afghanistan by means of a sustainable development programme. Thailand had pledged to share with Afghanistan its experiences linking peacekeeping missions in East Timor and Cambodia with the "Self-Sufficiency Economy", which had enjoyed great success in Thailand by helping local communities participate in developing their own livelihood in harmony with local wisdom. The crop substitution programme, encouraging Thai hill-tribe people to cultivate crops other than opium, had been successful in providing alternative development.

54. Since international cooperation and constructive partnership were crucial to complement national actions to promote and protect human rights, including the right to development, the recently concluded International Conference on Financing for Development was particularly commendable in that it had managed, for the first time, to forge a consensus amongst Governments, and other stakeholders on how development should be financed. It was to be hoped that the momentum from Monterrey would carry on to the World Summit on Sustainable Development in September 2002. The human rights-based approach was central to ensuring community-based development for the benefit of all. The international community must assist States in their national endeavours to promote and protect all human rights, including the right to development, with patience, understanding and full respect for diversity.

55. In his address to the Commission at its fifty-seventh session, he had expounded Thailand's approach to human rights promotion and protection as central to the right to

development. His Government believed in practicing what it preached. It thus reaffirmed its commitment to promote and protect the rights of citizens and non-citizens alike, as stipulated in the 1997 Constitution and in the International Covenants on Human Rights. The measures it had adopted to improve the quality of life for the Thai people included a three-year debt suspension for farmers, the establishment of microcredit facilities, such as the People's Bank, which provided access to funds for small entrepreneurs at low interest rates, and the launching of a village and urban revolving fund to provide financial support for local initiatives.

56. Another example of a project to improve the quality of life was the Government Housing Bank, which provided financial assistance to individual home buyers and low-cost housing developers. The National Housing Authority had been instructed to spare no resources to solve the housing problems of low-income and middle class groups.

57. The Constitution contained a provision, which was being implemented by the Government, guaranteeing 12 years' free education for all citizens. Education and not just literacy was crucial to a stable democracy and a participatory civil society.

58. With regard to health, the notion of health for all had, for the first time, been implemented fully on a nationwide basis. The Government's 30-baht (about US$ 0.70) health coverage scheme, which had been operational since June 2001, covered both citizens and non-citizens.

59. The Government was determined to ensure that illegal migrant workers were adequately protected. Over half a million of them had registered since October 2001 and become part of the formal labour force, with access to education and health insurance. They were also guaranteed minimum wages. As the majority of such migrants came from Myanmar, the Government had entered into a Memorandum of Understanding on Cross-Border Workers with the Government of Myanmar to ensure the transparent and orderly recruitment of foreign workers into Thailand.

60. As for those returning home, they would not only be able to return safely to Myanmar through a holding centre administered jointly by the two Governments but would also be provided with rehabilitation schemes and income-generating programmes. Above all, the Government of Myanmar had promised not to penalize such workers. Such measures ensured that they would be able to return to their motherland with dignity; an approach that was more effective than attempting to apply sanctions.

61. In accordance with the provisions of the 1997 Constitution, the Government fully recognized the valuable contribution of civil society, NGOs and the private sector to the promotion and protection of human rights. The rights and entitlements of the Thai people would be effectively guarded by the National Human Rights Commission, the Parliamentary Ombudsmen, the Anti-corruption Commission and the Administrative Court.

62. Globalization had contributed to the expansion of universal values, but the world remained a community of diversity. Current and future generations must learn to use diversity to make the world a better place, a world of tolerance, forgiveness and understanding. To that end, dialogue within and among civilizations must be deepened in order to cultivate understanding and friendship for lasting peace. He paid tribute to the King and Royal Family of Thailand for

their efforts to turn diversity into social harmony and understanding. Regardless of their different races, beliefs and religions, the Thai people lived peacefully as an undivided and non-discriminatory nation under the King's reign.

63. The Commission should follow the same path of constructive dialogue and respect for diversity, reinforced by a patient willingness to understand the other's differences and constraints. Tragic events, such as those of September 2001, testified to the relevance of the Commission's work in restoring love and peace to the global family through the promotion and protection of human rights. The Commission and OHCHR were best placed to take the lead in building a new global family of tolerance, harmony and understanding.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

64. Mr. PÉREZ ROQUE (Cuba) said he need not reiterate the universally accepted truth that the Commission suffered from a lack of credibility and extreme politicization. Time was running out. The Commission's methods must be made more democratic and transparent. The international community needed a Commission that was at everyone's service, not one in thrall to the designs of a minority or the whims of the most powerful.

65. Double standards must be banished from the Commission. Those, for example, who questioned the legitimacy of the elections in an African country had uttered not a word, when, scarcely a year previously, the presidential election in the United States had been shrouded in scandal for almost a month.

66. It was essential to do away with selectiveness. At the fifty-seventh session, the Commission had adopted resolutions and declarations criticizing the human rights situation in 18 third-world countries. Some, like the resolution on Cuba, had been imposed by the use of brutal pressure. Not a single decision had mentioned human rights violations in the developed world. He wondered whether that was because there were no such violations or because it was impossible to criticize a rich country in the Commission.

67. It was essential to do away with inequality. A minority of rich countries, with large delegations, imposed their interests. They introduced most of the resolutions and had all the resources to do their job. They were always the judges and never the accused. The underdeveloped countries, which accounted for three quarters of the world population, were always the accused, and had to undergo great sacrifices to make their voices heard within the Commission.

68. It was essential to do away with arbitrariness and the lack of democratic spirit within the Commission. It was shameful that the United States was pressing to return to the Commission without having to go through a vote. It was almost laughable, if not absolutely pathetic, that the United States was mediating reprisals for its justified exclusion from the Commission.

69. It was essential to do away with the attempt to ignore the human rights of the poor peoples of the Earth. The rich countries failed to recognize their right to development and to financing for that purpose. Their right to compensation for the centuries of suffering and looting

imposed by slavery and colonialism were not recognized either. Their economies were being strangled by debt and there was no recognition of their rights to food, health, education, science and culture or even of their right to life.

70. Despite the differences in belief, ideology or political position among the members of the Commission, they all faced the danger of an attempt to impose a world dictatorship that served the interest of the mighty super-Power and its transnational corporations, with the clear message that all who were not for them were against them.

71. The question arose why the international community did not demand that the United States should cease unleashing wars that not only failed to resolve conflicts but actually created new and more dangerous ones, not to mention its plans to use nuclear weapons. There was no demand that it should cease its unconditional support for and complicity with the genocide of the Palestinian people and should relinquish its attempts to turn the United Nations into a tool of its interests. There was no demand either that it should contribute to the establishment of the International Criminal Court and respect international conventions and the principles of international humanitarian law. There was no demand that it should put an end to unilateral, protectionist practices and stop making the World Trade Organization (WTO) subservient to its interests. There was no demand that it should repeal the Helms-Burton Act and the extraterritorial enforcement of its legislation.

72. He wondered why the representatives of the rich and developed countries, who agreed in private with almost everything he had said, remained silent and did nothing to ward off the dangers threatening the whole world. It was surely high time that the Western countries - until recently allies of the United States in a bipolar world but currently victims, like the rest of the world, of the dangerous order that the United States was trying to impose - decided to defend the rights of humankind. He suggested a new alliance for a future of peace, security and justice for all, a coalition that would aspire to liberty, equality and brotherhood for all nations.

73. The manipulation and condemnation currently being used against Cuba could be used in the future against any of the countries represented on the Commission. The United States was facing a new situation: it had been excluded from membership of the Commission and the Government of the Czech Republic had announced that it would not be available to introduce the resolution against Cuba at the current session. The United States was therefore making efforts to persuade one or more Latin American countries to take on that role. There was no country with the moral authority to propose any censure of Cuba, and any Government that took on that task would be doing so out of a lack of courage to stand up to United States pressure.

74. For billions of men and women struggling with despair in Latin America, Africa, Asia and Oceania, for millions of poor and exploited people in the first world, and for those whose ethics rejected the immorality that prevailed in the contemporary world, Cuba embodied the certainty that it was possible to live in an independent country with freedom and justice and the hope of a better world.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PAKISTAN

75. Mr. SATTAR (Pakistan) said that the war on terrorism that had engaged a coalition of States in the wake of the outrage of 11 September 2001 had made substantial progress in liquidating the network of sponsors and organizers, but was by no means over, as had been shown by recent attacks in Pakistan, India and Italy.

76. The task was a complex one. Terrorism had diverse causes and perverse motivations. Retribution would not be enough. A thoughtful strategy must first inquire into root causes: injustice, poverty, alien occupation, and State repression - all might prompt acts of desperation and violence, although none was an acceptable justification. States could and should take the lead: to stop terrorism they must stop generating terrorism. The key was respect for human rights.

77. Malign attempts had been made to ascribe the attacks of 11 September to Islam. As the Ministers for Foreign Affairs of the Organization of the Islamic Conference (OIC) countries had made clear, Islam was a religion of peace. They had underlined the need to define terrorism and address its causes. As in all other great religions, aggression was forbidden. Islam taught respect for human life and dignity and called for coexistence, tolerance of diversity and respect for other faiths. Both the President of the United States and the Prime Minister of the United Kingdom had quoted from the Koran to demonstrate Islam's emphasis on peace. The term "jihad" had been mistranslated and misrepresented. It did not mean "holy war", but striving and struggle against baser instincts and for noble ends.

78. He paid tribute to the High Commissioner's contribution to the promotion of human rights and the dignity and credibility she had brought to her office. Following her recent visit to Pakistan, his Government was actively considering ratification of some human rights instruments.

79. In accordance with the founding fathers' vision of Pakistan as a moderate, progressive Islamic State, and the principles of equality, freedom and tolerance proclaimed in its Constitution, his Government had taken steps to curb recent trends towards violence by banning extremist groups and organizations and armed militias. Moreover, a silent revolution had been in progress since October 1999, taking the country towards economic revival, good governance and political rationalization. Defence expenditure had been frozen, administrative and fiscal authority had been devolved, and human rights reforms had been undertaken, including restoration of the system of joint electorate, at the demand of the religious minorities; a quota of seats for women in the national and provincial Assemblies; a review of Muslim legislation on the family; moves to eradicate violence against women, including the misnamed "honour killing", an offence that was to be treated as premeditated murder; reforms in the areas of child labour, juvenile justice and the prison and police services; and new legislation on the press.

80. Despite his Government's best endeavours , tensions with India persisted over the future of Kashmir, whose 12 million people sought only the opportunity to exercise their inherent right to self-determination. Instead of complying with the Security Council resolution, however, India had resorted to repression and terror against the Kashmiri people in an attempt to break their will. To justify its actions, India had labelled the Kashmiri freedom struggle as terrorist, while

concealing its own acts of terrorism against the Kashmiri people by barring access to the media and human rights organizations. Even the United Nations Military Observer Group in India and Pakistan (UNMOGIP) was not allowed to discharge its mandate on the Indian side of the Line of Control.

81. His Government hoped that the Commission would investigate the human rights situation in Kashmir and use its influence to promote observance of recognized standards of human rights and humanitarian law by the Indian occupation forces.

82. The Commission should also intensify its efforts to put an end to the gross violations of Palestinian human rights and the wanton death and destruction perpetrated by the Israeli armed forces against innocent Palestinian civilians. The Palestinian Authority had condemned suicide attacks against Israeli targets. Israel should ponder what compelled individuals to prefer their own death to life under Israeli occupation. The vision affirmed in Security Council resolution 1397 (2002) needed to be pursued with urgency. Saudi Arabia's farsighted suggestion offered a pragmatic formula for a political solution.

83. Lastly, the march towards the ideals of the Universal Declaration of Human Rights must be accelerated. That was the real jihad to which all States and individuals should pledge themselves.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF FRANCE

84. Mr. VEDRINE (France) said that, in accordance with its human rights tradition, France attached great importance to the contribution the Commission could make to the overall progress of societies through development and education.

85. The international environment had changed. The violation of human rights was becoming less and less acceptable in any context, including war. Democratic aspirations were spreading throughout the world, unchecked, it seemed, by the events of 11 September 2001.

86. Democratization went hand in hand with general progress, and could not be achieved overnight. Experience had shown, however, that it was possible to help societies to mature by exploiting the democratic potential to be found in each of them. Various legal instruments were available - targeted sanctions, dialogue, cooperation, and persuasion; but also development assistance, debt forgiveness, market access and economic and social measures - the question was how to combine them to the greatest effect in order to reinforce the rule of law and democracy.

87. The international community was firmly committed to the war against terrorism, but the legitimate emotion aroused by acts such as those of 11 September 2001 must not become a pretext for disregarding international obligations in the areas of human rights and international humanitarian law or a justification for repression, the muzzling of dissent or the use of unacceptable methods. He had been shocked by recent calls for the use of torture in certain cases. The war against terrorism must be waged with full respect for human rights if it was not to end in moral defeat. As the Secretary-General and the High Commissioner had said, under no circumstances could there be any derogation from the right to life, the prohibition of torture, the freedom of expression, religion or belief, or the principle of non-discrimination.

88. It was by the adoption of such positions that the United Nations could act as guardian of accepted values; and it was through scrupulous compliance with their obligations that States could support the United Nations in that role. He therefore wished to extend a standing invitation to all the Commission mechanisms to visit France. His Government, in turn, expected certain things of friendly countries: respect for human rights and international humanitarian law in Chechnya and the occupied Palestinian territories and increasing respect for human rights in China.

89. It was time to implement the solemn undertakings made at Durban. Great vigilance was needed to deal with religious or racial hatred. France severely punished such acts and had recently recognized the slave trade and slavery as a crime against humanity. With the support of religious leaders and anti-racist militants, it had also adopted legislation on access to justice for the victims of any form of discrimination.

90. Women were the victims of many harsh forms of discrimination. Genital mutilation, practices such as "honour killings" - rightly described by the Foreign Minister for Pakistan as "misnamed" - and domestic and social violence against women could no longer be tolerated. Hundreds of thousands of women, many of them from poor countries, were victims of contemporary forms of slavery involving international trafficking and prostitution rings. Such practices must be made not merely illegal, but also unthinkable.

91. Criminal rings also preyed on children, and his Government welcomed the entry into force of the two Optional Protocols to the Convention on the Rights of the Child. It called for universal ratification of the Convention and of both Protocols.

92. The year 2002 was proving a historic one in the battle against impunity: the trial of former President Milošević of Yugoslavia had begun at the International Tribunal for the Former Yugoslavia and the Rome Statute of the International Criminal Court would shortly enter into force. He called upon all States to ratify the Statute and cooperate with the Court. The Court's existence would not prevent States from resolving their own tragedies in their own ways, if necessary with United Nations help, as in Sierra Leone. The victims of violations had a right to have their suffering recognized and to receive reparation.

93. He called upon all States to demonstrate their willingness to draft binding legislation on enforced disappearances, and urged the Commission to adopt the proposed draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. His Government was also in favour of a moratorium on the death penalty, with a view to its universal abolition.

94. The debate on globalization had once again placed the promotion of economic, social and cultural rights on the agenda. Only development could overcome poverty and social exclusion and lay the foundations of a solid democracy. There was often a link between the absence of democracy and weak education systems, and it was important to promote access to education for all. In the area of health, France and the European Union had successfully defended the right of access to medicines by countries suffering from pandemics such as AIDS, tuberculosis or

malaria: an effective solution had to be found, however, for countries without the capacity to manufacture medicines. As part of the effort to achieve more equitable globalization, his Government proposed the establishment of an economic and social security council.

95. Other challenges arose from scientific and technological progress. At the fifty-sixth session of the General Assembly, the delegations of France and Germany had proposed the negotiation of a legal instrument banning the reproductive cloning of human beings. Great vigilance was needed with regard to criminal use of information technologies, particularly for child pornography and incitement to racial hatred.

96. The work of the Commission and its various bodies should above all be realistic. Condemnations issued by the Commission could have no effect unless they were accompanied by concrete recommendations appropriate to the specific situation and capable of bringing about change. That was why NGOs were so important and should be permitted full access to and participation and freedom of expression in the Commission. His delegation wished to see the Economic and Social Council criteria for accreditation respected and hoped that political considerations would not stand in the way of accreditation for organizations that met those criteria. The Commission should also continue to pay close attention to the dangers faced by human rights defenders.

97. Lastly, paying tribute to the work of the High Commissioner in encouraging reform in sometimes reluctant countries and to her consistency in denouncing serious human rights violations, he said that action was needed on all fronts in the battle for development and against poverty since, if that was lost, little progress would be made in the Commission.

STATEMENT BY THE HEAD OF THE FEDERAL DEPARTMENT OF FOREIGN AFFAIRS OF SWITZERLAND

98. Mr. DEISS (Switzerland) said that, on 3 March 2002, the Swiss had voted to approve Switzerland's becoming a member of the United Nations. By so doing, they had shown their wish to participate fully within the international community in finding solutions to problems affecting a large part of humankind.

99. The advancement of a country in terms of human rights could be judged by the extent to which its society or authorities protected its weakest citizens. That was all the more relevant in time of war, when international humanitarian law must apply in all circumstances. The rights of both armed combatants and civilians were enshrined in the Geneva Conventions of 1949, completed by the two Additional Protocols of 1977. His Government appealed for their universal ratification and respect for their provisions.

100. International humanitarian law was not a theoretical ideal but the minimum standard below which human dignity was denied and force abused. It formed part of the fundamental core of human rights. Invoking reasons of security to question the validity of the rules of humanitarian law was both illegal and dangerous. On 5 December 2001, the 115 High Contracting Parties to the Fourth Geneva Convention had issued an appeal recalling the obligations of the Parties. The appeal was addressed to the whole of the international community, to the parties to the Israel-Palestinian conflict and, more specifically, to the

occupying Power. A just and lasting peace would be achieved only by ending the occupation and, until that was achieved, by applying the law governing the conditions of occupation and the protection of civilians. The contents of that appeal applied to many other conflicts also.

101. On 11 September 2001, the reality of terrorism as an abject negation of human dignity had become clear to everyone. As a result, the prevention and repression of terrorist attacks had become an urgent requirement. However, for the response to terrorism to be credible and effective, it had to be in conformity with the universal rules protecting the human person. The best response to those who violated universal values and principles was to reaffirm such principles through a dialogue of civilizations, thereby creating a coalition. A new era was beginning in which vengeance would be replaced by justice and the Commission and OHCHR had a special role to play in that substitution.

102. Like the Governments of all European States and many others, his own Government was convinced that the next milestone in human rights achievements would be the universal abolition of the death penalty. Human justice, which was inevitably fallible, had to be protected against the risk of executing innocent people, and it should not be forgotten that the death penalty did not contribute to a reduction in crime. An appeal was made to those States still practising the penalty to suspend or at least limit its use.

103. The time had also finally come to accept the compromise text proposed by the Chairperson of the open-ended working group on an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment so that a universal mechanism for the prevention of torture could be put in place.

104. States also had a duty to respect and ensure respect for existing law. With regard to the rights of minorities, a satisfactory form of self-determination in Tibet, for example, had to be found through dialogue. In China, there was a need for greater respect for human rights in religious and cultural matters and for a judicial system which ensured fair trials. In the Russian Federation, the situation in Chechnya gave cause for concern and light needed to be shed on acts of violence committed there, particularly extrajudicial executions.

STATEMENT BY THE FEDERAL MINISTER FOR FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

105. Mr. SVILANOVIĆ (Yugoslavia) said that, although the world was currently characterized by a comprehensive process of globalization and the unprecedented development of communication and other technologies, there were still risks created by the challenge of poverty. A commitment to common values and principles was therefore necessary to overcome cultural differences and major social divisions.

106. Despite the important results achieved so far, human rights were often violated almost everywhere in the world. Terrorism also threatened the fundamental right to human life and had become a global phenomenon requiring a universal response, a response that must, however, be in conformity with international human rights standards.

107. His Government had undertaken a series of measures to improve the protection of human rights in the country and expected to make further changes since it had promised to make all freedoms and rights available to everyone without discrimination. The agreement on the principles guiding relations between Serbia and Montenegro should accelerate the pace of reform processes and bring Yugoslavia closer to the major European integration processes.

108. On 12 March 2001, Yugoslavia had succeeded to a number of international treaties on human rights. It had also ratified the Rome Statute of the International Criminal Court and two Optional Protocols to the International Pact on Civil and Political Rights, recognized the competence of the Committee on the Elimination of Racial Discrimination and begun ratification of the two protocols to the Convention on the Rights of the Child. The reservations to the Geneva Conventions had been withdrawn. A series of domestic legislative measures had also been adopted, including a law on the protection and freedoms of minorities, prepared in cooperation with the Council of Europe and the Office of the High Commissioner for Minorities of the Organization for Security and Cooperation in Europe (OSCE), which guaranteed both the individual and collective rights of national minorities.

109. In the past, the region of South-Eastern Europe had been the scene of intolerance, xenophobia and hatred resulting in human rights violations and ethnic conflicts. Everyone on the territory of the former Yugoslavia had to face up to the legacy of those terrible crimes and the individual perpetrators of them must be punished. As a Member State of the United Nations, the Federal Republic of Yugoslavia was fully aware of its international obligations and was ready to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

110. His Government was firmly committed to resolving the situation in Kosovo and Metohija through constructive dialogue and joint efforts with the international community and through full implementation of Security Council resolution 1244 (1999). However, it was particularly important to ensure that the elected bodies of the interim institutions in Kosovo and Metohija were operating satisfactorily for the benefit of all citizens in the region without discrimination. That was currently not the case: the security, freedom of movement and protection of the human rights and interests of non-Albanian communities in Kosovo and Metohija were not satisfactory. His Government's commitment to resolving all outstanding issues in Kosovo and Metohija had recently been demonstrated by the agreement reached with the United Nations Mission in Kosovo (UNMIK) on relocation of the remaining 170 Albanian prisoners from Serbia to prisons in Kosovo and Metohija.

111. A further important humanitarian issue requiring a lasting solution was the problem of refugees from Croatia and Bosnia and Herzegovina. A national strategy had been prepared in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and, although voluntary repatriation was the preferred solution, the majority of the refugee population would probably opt for local integration and that would require continuing assistance from the international community.

112. The bitter experience of the past decade had demonstrated the importance of dialogue, tolerance, understanding and respect as a basis for building better relations. Confidence-building

measures among the members of the various ethnic communities in southern Serbia had already resulted in an improvement in the situation. A multi-ethnic police force had been created, internally displaced persons had returned home and economic recovery had been boosted.

113. Yugoslavia's efforts to build a democratic society had not gone unnoticed and had been positively assessed in reports by the Council of Europe, OSCE and the Special Representative of the Commission (E/CN.4/2002/41). The results achieved so far and the overall situation in the field of human rights indicated that there was no longer any need for coverage of the Federal Republic of Yugoslavia by a special representative or rapporteur. If that were to be acknowledged, it would represent a mark of trust and support for all the achievements so far and encourage his Government to continue working towards the principles of the rule of law and human rights protection, in cooperation with the international community.

The meeting rose at 1.30 p.m.